

Guillermo Fonseca-Bermudez

Reg. 18158-069 * P.O. Box 1000 * Cumberland, MD 21501

April 15, 2005

Honorable Judge Daniel R. Dominguez
United States District Court
District of Puerto Rico
Clemente Ruiz Nazario U.S. Courthouse
150 Carlos Chardon Avenue, Room CH-129
San Juan, PR 00918-1761

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CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.

Re: United States v. Guillermo Fonseca-Bermudez
USDC Dkt. No. 99-CR-254-05 (DRD)

Honorable Judge Dominguez:

Guillermo Fonseca

On October 2, 2000, I was sentenced by this Court to 156 months imprisonment. At the same time, the Court ordered that the "[T]he term of imprisonment imposed is to be served concurrently with any other sentence he is currently serving." See Attachment. Therefore, my concern consist that when I arrived at this Institution and was classified I noted that the BOP has honored the Court's order only from the date that the sentence was imposed. That is from October 2, 2000. See Attachment B.

As will appear, 14 months served on the state sentence—even though related to the federal charges—were not credited towards my federal sentence. The BOP interpreted the court's statement granting me "concurrently with any other sentence he is currently serving," from the date I was sentenced on the federal charges instead from the beggining of my state sentence as merely nonbinding recommendation which the BOP was at liberty to—and did in fact—ignore. The BOP, therefore, computed my 156-month federal sentence without any reduction for the time served in my state sentence.

In here, while credit for time on a pre-existing state sentence is within exclusive power of the sentencing court, I would request that the Court clarify its intentions and ordered the BOP to grant me credit for the time that I already served on the state sentence that was related to the instant offense that I have been serring. As stated above, the court's written sentence indicate that my total sentence was to be adjusted so as to account for time served on my state conviction. In other words, my final sentence was intended to be and hence was 156 months minus 14 months served on my state conviction, totaling 142 months. Thus, I asks that Court to clarify the J & C

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and direct the BOP to credit me with the 14 months I spent in state conviction prior to the imposition of sentence on my federal conviction which is related with the state.

Thank you for your kind attention to this important matter.

Sincerely,

Guillermo Fonseca-Bermudez

A handwritten signature in cursive script that reads "Guillermo Fonseca".

gfb

Enclosures